



September 13, 1995

William F. Caton, Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, DC 20554

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In the matter of	)	
	)	
Report and Order and Further	)	FCC R&O and FNPRM 95-255
Notice of Proposed Rulemaking	)	
	)	
Replacement of Part 90 by Part 88	)	PR Docket No. 92-235
to Revise the Private Land Mobile	)	
Radio Services and Modify the	)	
Policies Governing Them	)	

Dear Mr. Caton:

### COMMENTS OF PACIFICORP

Pursuant to Section 1.415 of the Commission's Rules, PacifiCorp hereby respectfully submits its comments on the Further Notice of Proposed Rulemaking (FNPRM), FCC-95-255, released June 23, 1995, in the above captioned matter.

#### I. Introduction

PacifiCorp is an electric utility engaged in the generation, transmission, and distribution of electrical energy for use by the general public in the states of Washington, Oregon, California, Idaho, Montana, Wyoming, and Utah.

PacifiCorp has in operation an extensive private land mobile radio (PLMR) communication system which is essential to the reliable and safe operation of the company's electrical system. Wide area dispatch communications are critical for the timely maintenance and restoration of electrical service. We are operating approximately 200 fixed base stations

and an estimated 4,000 mobile and portable units in the VHF (150-160 MHz) band. In addition we operate about 100 control links to these base stations. These links are primarily UHF(450-470 MHz) with a few Lowband VHF (70-74 MHz). We also use an additional 25 mobile repeaters with about 800 mobile and portable units in the UHF (450-470 MHz) band mainly at our steam electric generating plants. We also use several data links in the 154-173 MHz band.

PacifiCorp has chosen to maintain its mobile operations in the VHF band to take advantage of the propagation characteristics needed to cover our diverse service territory. The majority of our service territory is sparsely populated which makes wide area coverage important in order to most efficiently use the limited frequencies. Wide area coverage is difficult with the wide variety of topography encountered in our area. Several studies have shown that the best frequency band to use to achieve the required coverage is highband VHF (150-174 MHz).

PacifiCorp is implementing mobile repeater operation which will improve mobile coverage for company users and hopes to be able to convert to trunking and other advanced technologies in the future. A common system is used for all areas, metropolitan and rural, to allow communications to vehicles moving within the company's service territory without requiring multiple radios in each vehicle. This common system is essential during emergency restoration operations.

## **II. Consolidation of Radio Services**

It is imperative that the Commission not consider the use of available spectrum from a narrow perspective that all mobile communication needs are equal, but from a recognition that different users require different access to that spectrum. Traditional dispatch type of operation may not be the appropriate mode of operation for some users but it is essential to others.

The consolidation of services must take into account the different nature of electric utilities. There are many services of government agencies that do not fit within the category of "protection of life and property" or "public safety." Likewise there are many functions of electric utilities that fit within the category of "protection of life and property." In addition, electric utilities such as PacifiCorp do not fit in a category such as commercial or non-commercial as originally defined in the NPRM. They are much more closely aligned to the category of public safety. Utility dispatch communication systems require a dedicated wide area channel that is often lightly loaded but can handle large traffic volumes when necessary.

PacifiCorp proposes that electric utilities should either be included in a separate public service pool as one of the consolidated groups, or should be included with public safety. Utilities should be treated similar to public safety because of our common concerns for the protection of life and property.

### **III. Exclusivity Options**

PacifiCorp welcomes the opportunity to have exclusivity or shared exclusivity available on our licensed frequencies in order to implement trunking and other advanced technologies. We do not, however, want to throw away our current investment in radio equipment before the end of its useful life. We therefore suggest that there should be a reasonable time of ten years or more to convert to narrowband technology following the approval of an exclusivity agreement. This time frame should be extended for areas that are more rural and not currently impacted by the need for additional channels. PacifiCorp needs additional channel capacity in many areas to operate effectively. The opportunity to have a first chance at the 'new' spectrum freed by moving to narrowband technology should be provided for those that have been having difficulty finding suitable available spectrum.

PacifiCorp recognizes that the spectrum can be most effectively shared by some businesses that have limited airtime requirements. Some spectrum should therefore be reserved for those entities to simplify their operations. At the same time some entities have requirements best served by being the only user on a frequency and need the opportunity to have or negotiate an exclusivity agreement for themselves. We are concerned, however, that speculators will be allowed to preempt existing users of systems and therefore request that only current users be allowed to be part of exclusivity agreements, especially in the near term.

If allowed sufficient time to implement the technologies, it would be preferable to use the ultimate four to one narrowband efficiency standards as a requirement. PacifiCorp does not want to change out equipment to meet one standard and then have to change it out before it is amortized to meet a new requirement.

The excess capacity that is made available should only be leasable to Private Land Mobile Radio eligibles in order to keep speculation out of the bands. Allowing other services would likely create a hodgepodge of regulation requirements and ultimately make all spectrum commercial. We feel there is a bonafide continuing need for private spectrum. We are also concerned that excess capacity made available in public safety "non-user fee" bands would be competing with excess capacity in "user fee" bands if restrictions are not imposed on cross radio service sharing.

### **IV. User Fees**

The Commission has apparently recognized that there needs to be exemption from bidding and user fees for the protection of human life and property. PacifiCorp feels that an electric utility's use of private spectrum is for that purpose and should also be exempt.

PacifiCorp does not feel that the narrowband PCS and other auction prices are relevant to setting fees in the private land mobile markets. These services may have some similarities but the overriding reasons to have most private electric utility systems is safety, reliability and

control of the system, not convenience. Alternative commercial systems have not been available during critical operation requirement times. We therefore feel user fees are inappropriate.

## **V. Competitive Bidding**

PacifiCorp suggests that auctions are not a viable method to allocate frequencies for non-commercial use. Although electric utilities are entering an era of increased competition, competition for critical operating system frequencies could jeopardize the safety and reliability of power systems.

Services in the private spectrum should be reserved for private (PLMR) users and others outside of that definition should not be allowed entrance into the bands.

## **VI. New Channels**

Those presently using a frequency should be given first priority for the additional channel capacity made available by narrowbanding the channels, if required for their operation and adequately justified. The additional channels should be made available across the user groups based upon need rather than being reserved for any one group.

Allocation of frequencies for shared service use should be an important priority. The ability to develop emergency restoration and mutual aid channels across and between user groups is essential in disaster recovery operations.

## **VII. Conclusion**

PacifiCorp urges the Commission to proceed cautiously in making overly restrictive changes to the use of the available spectrum to avoid compounding the problems that are already present in the band.

Wherefore, PacifiCorp respectfully requests the Commission to consider these Comments in acting on the subject Further Notice of Proposed Rule Making.

Respectfully submitted,  
PacifiCorp

By:



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